



**PRESS RELEASE
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Anomalies found in Firearms Act warrants proposed amendments – Minister Chang

Deputy Prime Minister and Minister of National Security, the Hon. Dr Horace Chang is proposing on behalf of the government amendments to the Firearms (Prohibition, Restriction and Regulation) Act, 2022 to further strengthen the legislation.

The Minister said while the Act has been tested in the Courts, some anomalies have been identified in the legislation.

These anomalies, Minister Chang said, were evident, in particular, following the recent judgement in the matter of Rex v. Atlee Murray, which led to a press release by the Office of the Director of Public Prosecution (ODPP) providing clarity on the sentence passed under the Act for the offences of ‘Possession of Prohibited Weapon’ and ‘Unauthorized Possession of Ammunition’, in the referenced matter.

Following the press release issued by the ODPP and contingent on the directive of the Prime Minister to undertake amendment to section five (5) of the Act with respect to ‘Possession of a Prohibited Weapon’, the Ministry convened a meeting on 16th November 2023, with several key stakeholders.

Minister Chang noted that the main intent of the meeting was to discuss the proposed increase to the penalty that may be imposed under **section five (5) - Possession of a prohibited weapon**. The existing penalty is ‘imprisonment for such term, of not less than fifteen years nor more than twenty-five years as the Court considers appropriate’.

“Consideration is now being given to the penalty being a maximum sentence of life imprisonment with a mandatory minimum of not less than twenty years,” the Minister said.

“This would mean that the court would have the discretion to impose a sentence within a range of the highest sentence being life to the lowest being twenty years,” he further added.

He said that as it relates to time to be served before being eligible for parole, further consideration is also being given to **“oust the jurisdiction”** of the Parole Act and make specific provision for the person to serve twenty years before being eligible for parole.

The security minister noted that additional amendments were also identified, including reintroducing a provision similar to Section 20(5)(b) of the repealed Act; reintroducing a provision similar to Section 46A (2) of the repealed Act, for a requirement for notice of an intention to put

into evidence the certificate of the expert of the Institute of Forensic Science and Legal Medicine, to be served on the defendant within three clear days.

Also to provide for the ballistic expert, who is gazetted, as the main signatory on the certificate required for trial proceedings; to amend Section 30(2)(c) of the Act by making it a requirement for either the Commissioner or a designated officer of the Jamaica Constabulary Force to mark a firearm for evidentiary purposes.

“This is being proposed to ensure administrative efficiency in the investigative process,” Minister Chang said.

An amendment is also being sought to expand the interpretation section of the Act that defines automatic firearms, to reflect the firing action of more modern automatic weapons, which the existing provision did not adequately capture; and to consequentially amend the Plea Negotiations Act to include a discount on sentencing where the defendant pleads guilty, as an incentive.

“This proposal is being advanced as a measure to reduce the backlog in the Courts and is being done in conjunction with the approval of the Ministry of Justice,” noted Minister Chang.

The Bill is expected to be returned to Parliament by the end of January 2024.